



UNIVERSITY OF
TORONTO
FACULTY OF LAW



Materials for a Course on Rights

Winter 2009

Hamish Stewart

These materials were prepared solely for the use of student in the Faculty of Law,
University of Toronto

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Fall 2006

Syllabus and Table of Contents

Approaches to Rights

September 7 — no readings

September 14

Amartya Sen, excerpts from “Rights and Agency” 1

September 21

Matthew Kramer, excerpts from “Rights Without Trimmings” 21-29

September 28

Matthew Kramer, further excerpts from “Rights Without Trimmings” 29-50

October 5 — no class (OCIs)

October 12

Nigel Simmonds, excerpts from “Rights at the Cutting Edge” 51

Some Specific Rights

October 19: Rights in Tort Law

Steven Shavell, excerpts from *Economic Analysis of Accident Law* 71

Arthur Ripstein, “Philosophy of Tort Law” 88

October 26: The Right to Freedom of Religion

John Locke, “A Letter Concerning Toleration” 119

Syndicat Northcrest v. Amselem 149

November 2: The Right to Freedom of Expression

R. v. Butler 185

Ronald Dworkin, “Why Must Speech Be Free?” 210

David Dyzenhaus, “Pornography and Public Reason” 220

November 9 — no class (Reading Week)

Dworkin

Ronald Dworkin, excerpts from *Taking Rights Seriously*, paperback ed. (Cambridge, Mass.: Harvard University Press, 1978).

November 16

“Hard Cases” (pp. 81-130)

November 23

“Taking Rights Seriously” (pp. 184-205) and “What Rights Do We Have?” (pp. 266-278).

[Optional reading: Joseph Raz, “Professor Dworkin’s Theory of Rights” (1978) 26 Political Studies 123; Dworkin, pp. 364-8 (reply to Raz).]

Raz

Joseph Raz, excerpts from *The Morality of Freedom* (Oxford: Clarendon Press, 1986).

November 30

“The Nature of Rights” 241
“Liberty and Rights” 255